

hearing; and that it had been successfully used by thousands for the relief of temporary or partial deafness, and constituted an effective means of caring for the ears.

Between September 15, 1943, and June 7, 1944, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1137. Misbranding of drug products. U. S. v. 7 Cartons of No. 37 Formula GH-5, 4 Cartons of No. 24 Formula GH-1, 15 Cartons of No. 15 Formula GM-15, 9 Cartons of No. 3 Formula GM-4, and 6 Cartons of No. 20 Formula GH-4. Consent decree of condemnation and destruction. (F. D. C. No. 9076. Sample Nos. 13830-F to 13834-F, incl.)

On January 5, 1943, the United States attorney for the Southern District of California filed a libel against 7 large cartons of No. 37 Formula GH-5, 4 large cartons of No. 24 Formula GH-1, 15 large cartons of No. 15 Formula GM-15, 9 large cartons of No. 3 Formula GM-4, and 6 large cartons of No. 20 Formula GH-4, each carton of which contained 3 smaller cartons, at Los Angeles, Calif., alleging that the articles had been shipped on or about December 6, 15, 21, and 29, 1942, from Salt Lake City, Utah, by the Basic Endocrines Sales Co., Inc. (invoiced by Basic Endocrines Sales Co., Inc., Seattle, Wash.); and charging that they were misbranded. There were also at Los Angeles, in the possession of the consignee, a number of books entitled "Theory and Use of Basic Endocrines," booklets entitled "Reference Guide," and leaflets entitled "Basic Endocrines Vol. 1, No. 1," "Basic Endocrines Vol. 1, No. 4," and "Basic Endocrines Vol. 1, No. 6." This printed matter had been received in interstate commerce by the consignee from Seattle, Wash.

Analysis of the No. 37 Formula GH-5 showed that it consisted essentially of capsules containing proteinacious matter, such as dried glandular materials, plant materials, and 0.88 grain per capsule of dicalcium phosphate. It was alleged to be misbranded because of false and misleading statements which appeared in the aforesaid book and booklet, and which represented and suggested that the article would be efficacious in the cure, mitigation, or treatment of functional glycosuria, ketosis, carbohydrate intolerance, pancreatic and duodenal insufficiency, gastro-duodenal ulceration and inflammations, and physiological hyperglycemia; that it was supportive in diabetes mellitus; and that it would assist in alkalization, increase the blood and tissue calcium, promote healing, and aid in the relief of pain and nervousness. It was alleged to be misbranded further in that the statement on its containers, "No. 37 Formula GH-5," was a false and misleading device, meaning to the purchaser that the article was efficacious for the foregoing conditions referred to in the portions of the book and booklet relating to the article when, in fact, it was not so efficacious. It was alleged to be misbranded further in that the statement on the label, "Each Capsule Contains Pancreas 3 gr., Duodenum 2 gr., Parathyroid 1/10 gr.," was misleading in the absence of a revelation of the material fact that pancreas, duodenum, and parathyroid in the amounts supplied when the article was taken in accordance with the directions on the label, 3 to 6 daily, would not produce any significant therapeutic or physiologic effect.

Analysis of the No. 24 Formula GH-1 showed that it consisted essentially of capsules containing proteinacious matter, such as dried glandular materials, plant materials, and material derived from bile. It was alleged to be misbranded because of false and misleading statements which appeared in the book and booklet and in the leaflet, "Basic Endocrines Vol. 1, No. 6," and which represented and suggested that the article would be efficacious in the cure, mitigation, or treatment of such conditions as hypofunction of the liver, cirrhosis, lack of liver detoxication, duodenitis, constant gas, pseudo-angina, intestinal putrefaction, liver spots, liver and spleen deficiencies, and cardiac irregularities. It was alleged to be misbranded further in that the statement on its containers, "No. 24 Formula GH-1," was a false and misleading device, meaning to the purchaser that the article was efficacious for the foregoing conditions referred to in the portions of the book, booklet, and leaflet relating to the article when, in fact, it was not so efficacious. It was alleged to be misbranded further in that the statement, "Each Capsule Contains: * * * Liver 3 1/2 gr., Spleen 1 gr.," was misleading in the absence of a revelation of the material fact that liver and spleen in the amounts supplied when the article was taken in accordance with the directions on the label, 3 to 6 daily, would not produce any significant therapeutic or physiologic effect.

Analysis of the No. 15 Formula GM-15 showed that it consisted essentially of capsules containing proteinacious matter, such as dried glandular material,

including 0.1 grain per capsule of thyroid, and plant material. It was alleged to be misbranded because of false and misleading statements which appeared in the book and booklet, and which represented and suggested that the article would be efficacious in the cure, mitigation, or treatment of such conditions as general debility, difficult concentration, failing memory, undue worry, sexual neurasthenia, premature senility, advancing years, endocrine deterioration and functional insufficiency, nervous aggravations bringing mental depression, thyroid classified anemias, and those conditions wherein major and glandular support was indicated; and that it would prolong the useful and active period of life. It was alleged to be misbranded further in that the statement on its containers, "No. 15 Formula GM-15," was a false and misleading device, meaning to the purchaser that the article was efficacious for the foregoing conditions referred to in the portions of the book and booklet relating to the article, when, in fact, it was not so efficacious. It was alleged to be misbranded further in that the statement on its label, "Each Capsule Contains: * * * Pituitary (Whole) $\frac{1}{4}$ gr., Suprarenal $\frac{1}{2}$ gr., Orchic $1\frac{1}{2}$ gr., Prostate $\frac{1}{2}$ gr., Parathyroid $\frac{1}{40}$ gr., Pineal $\frac{1}{60}$ gr., Ovary $\frac{1}{4}$ gr., Duodenum 1 gr., Pancreas $\frac{1}{2}$ gr., Heart $\frac{1}{2}$ gr.," was misleading in the absence of a revelation of the material fact that pituitary, suprarenal, orchic, prostate, parathyroid, pineal, ovary, duodenum, pancreas, and heart in the amount supplied when the article was taken in accordance with the directions on the label, 1 to 3 daily, would not produce any significant therapeutic or physiologic effect.

Analysis of the No. 3 Formula GM-4 showed that it consisted essentially of capsules containing proteinacious matter, such as dried glandular material, including 0.1 grain per capsule of thyroid, and plant material. It was alleged to be misbranded because of false and misleading statements which appeared in the book and booklet and in the leaflet, "Basic Endocrines Vol. 1 No. 4," and which represented and suggested that the article would be efficacious in the cure, mitigation, or treatment of chronic hypo-ovarium, sexual apathy, lack of orgasm, sexual maldevelopment, sexual asthenia, irregular menses, cramps during menses, and chronic frigidity; that it was supportive in sterility and following ovariectomy; that it would give necessary metabolic and nerve support; and that it offered complete sex syndrome support. It was alleged to be misbranded further in that the statement on its containers, "No. 3 formula GM-4," was a false and misleading device, meaning to the purchaser that the article was efficacious for the foregoing conditions referred to in the portions of the book, booklet, and leaflet relating to the article when, in fact, it was not so efficacious. It was alleged to be misbranded further in that the statement on its label, "Each Capsule Contains: * * * Anterior Pituitary $\frac{2}{3}$ gr., Suprarenal $\frac{1}{4}$ gr., Adrenal Cortex $\frac{1}{2}$ gr., Ovary $2\frac{1}{2}$ gr., Mammary $\frac{1}{2}$ gr.," was misleading in the absence of a revelation of the material fact that anterior pituitary, suprarenal, adrenal cortex, ovary, and mammary supplied when the article was taken in accordance with the directions on the label, 3 to 6 daily, would not produce any significant therapeutic or physiologic effect.

Analysis of the No. 20 Formula GH-4 showed that it consisted essentially of animal tissues. It was alleged to be misbranded because of false and misleading statements which appeared in the book and booklet and in the leaflet, "Basic Endocrines Vol. 1, No. 1," and which represented and suggested that the article would be efficacious in the cure, mitigation, or treatment of acute toxemia and decreased immunity, toxic migraine, waxy stool, food allergy, renal and hepatic colic, angina, tubular constriction, hives, digestive enzymic deficiency, coronary disease, acute colds, bronchitis, and colic due to the passing of calculi; that it was supportive of psoriasis; that it was efficacious in the final digestion of fats and carbohydrates and in the complete digestion of protein and other food factors; that it was of value in types of food allergy, such as certain migraines, some forms of asthma, hay fever, and eczema; that it would have a relaxing effect upon the urinary apparatus, and would be valuable in spasm or contraction of these parts, and increase the frequency and quantity of urination; and that it would increase weight. It was alleged to be misbranded further in that the statement on its containers, "No. 20 Formula GH-4," was a false and misleading device, meaning to the purchaser that the article was efficacious for the foregoing conditions referred to in the portions of the book, booklet, and leaflet relating to the article when, in fact, it was not so efficacious. It was alleged to be misbranded further in that the statement on its label, "Each Capsule Contains: Adrenal Cortex $\frac{1}{4}$ gr., and Insulin Free Pancreas 5 gr.," was misleading in the absence of a revelation of the material fact that adrenal cortex and insulin-free pancreas in the amounts supplied when the article was

taken in accordance with the directions on the label, 3 to 12 daily, would not produce any significant therapeutic or physiologic effect.

On July 9, 1943, the Basic Endocrines Sales Co., Inc., claimant, having filed an answer denying that the products were misbranded, and later having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered destroyed.

1138. Misbranding of Anti-Uric. U. S. v. 19 Bottles of Anti-Uric. Default decree of condemnation and destruction. (F. D. C. No. 10113. Sample No. 37984-F.)

On June 29, 1943, the United States attorney for the Northern District of Indiana filed a libel against 19 bottles of Anti-Uric at South Bend, Ind., alleging that the article, which had been consigned by the Anti-Uric Company, had been shipped from San Francisco, Calif., on or about April 1, 1943; and charging that it was misbranded.

Examination disclosed that the article consisted essentially of water, alcohol, sugar, and small amounts of extracts of plant drugs.

The article was alleged to be misbranded in that the statements on the bottle labels and in the circular entitled "What About Anti-Uric?" were misleading since such statements represented and suggested that the article was an effective eliminant and stimulant diuretic to the kidneys, and was effective in relieving rheumatic, neuralgic, sciatic, neuritic, and muscular pains, stiff and aching joints, back aches, upset stomach, extreme nervousness, and lumbago, whereas the article was not an effective eliminant and stimulant diuretic to the kidneys and was not effective in relieving the conditions mentioned.

On August 6, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1139. Misbranding of UtraJel. U. S. v. 34 Cartons of UtraJel (and 3 other seizure actions against UtraJel). Decrees of condemnation and destruction. (F. D. C. Nos. 10003, 10019, 10270, 10684. Sample Nos. 14847-F, 23363-F, 36208-F, 48204-F.)

Between May 24 and September 7, 1943, the United States attorneys for the District of Colorado, the Eastern District of Pennsylvania, the Southern District of California, and the Northern District of Ohio filed libels against the following quantities of UtraJel: 34 cartons at Denver, Colo.; 10 packages at Philadelphia, Pa.; and 11 cartons at Los Angeles, Calif., each carton containing 4 tubes; and 8 boxes and 12 boxes at Cleveland and Lorain, Ohio, respectively; alleging that the article, which had been consigned by the Pynosol Laboratories, Inc., had been shipped from on or about April 19 to June 10, 1943, from Chicago, Ill.; and charging that it was misbranded.

Analysis disclosed that the article consisted essentially of pine oil, soap, iodine, and water.

The article was alleged to be misbranded in that the name "UtraJel" was false and misleading since it represented and suggested that the article was safe and appropriate for introduction into the uterus, whereas it was not safe or appropriate for introduction into the uterus, but was unsafe and dangerous, and capable of producing serious or even fatal consequences.

Between July 15 and October 13, 1943, Pynosol Laboratories, Inc., claimant, having filed answers in each of the libel proceedings, orders were entered directing that the Colorado, California, and Ohio cases be removed to the Eastern District of Pennsylvania and consolidated for trial with the case originating in that district. On January 11 and 19, 1944, the claimant having withdrawn its claims and answers, judgments were entered in the Eastern District of Pennsylvania, condemning the product and ordering it destroyed.

1140. Misbranding of Dextro Quinine. U. S. v. 40 Bottles of Quinine. Default decree of condemnation and destruction. (F. D. C. No. 9921. Sample No. 9800-F.)

On May 13, 1943, the United States attorney for the Western District of Louisiana filed a libel against 40 bottles, each containing 1 ounce, of Dextro Quinine at Monroe, La., alleging that the article had been shipped on or about August 27, 1942, from Philadelphia, Pa., via the Railway Express Agency; and charging that it was misbranded.

Examination showed that the article consisted of plant extractive material, about half of which had alkaloidal characteristics; and that the article was not quinine or a dextrorotatory isomer of quinine.